BELOW THE \$100,000,000 MARK.

Withdrawal of \$4,875,000.

WASHINGTON, Dec. 14.-The gold re-

serve to-day took another downward

plunge by the withdrawal of \$4,875,000, leav-

ing the net reserve at the close of business \$96,341,884, or \$3,658,116 below the \$100,-

000,000 limit. Of the amount withdrawn \$4,-

550,000 was taken from the subtreasury at

New York and \$325,000 from Boston. As-

sistant Secretary Curtis, in speaking of

the situation, thought that the heavy de-

INVITATION WITHDRAWN.

the Armenian Outrages.

that the limitations imposed by President

Cleveland on the functions of United

States Consul Jewett were such as to pre-

vent his joint action with the representa-

tives of other powers, the Sultan has with-

drawn his invitation to the United States

to appoint a commissioner, and, conse-

quently, Mr. Jewett's appointment lapses.

In deference to the religious sentiment of

the country, as voiced by an incredible number of petitions and resolutions of mass meetings and private communications from respectable citizens, the President decided to allow Mr. Jewett to investigate

felt obliged, in order to make it plain to the powers of Europe that he had no in-tention to intruding on their domain, for

await a request from the Sultan backed

by one of the signatory powers. As an extra precaution against involving the

United States in any European disagree-ments that might follow the investigation, Mr. Jewett was instructed to make an in-

dependent inquiry and report only to the State Department. These last restrictions

were apparently unpalatable to the Porte, and so, by the withdrawal of its invitation. Mr. Jewett's appointment is can-

Storekeepers and Gaugers,

WASHINGTON, Dec. 14.-The Secretary

of the Treasury has approved the following

appointments in the Terre Haute revenue

district: Store keepers, L. E. Besler, of

Sullivan; Samuel W. Malone, of Eugene; Eliza A. Puett, of Rockville; Thomas J. Allen, of Wallace; Stanfield H. Keener, of Crawfordsville; James A. Watson, of Terre Haute; George Steumple, of Terre Haute. Gaugers—Luther B. Brown, of Washington; Jacob H. Boller, of New Goshen, and S. D. Shields, of Terre Haute.

General Notes.

WASHINGTON, Dec 14.-Dr. George

Hobson was to-day appointed pension ex-

Philip Thimling has been appointed post-

master at Kellersville, Dubois county, vice J. G. Leistner, resigned, and G. F. Osfall,

at York. Steuben county, vice Amro

Avery, resigned.

The application of Capt. Henry W. Howgate, the indicted ex-disbursing clerk of the Signal Service Office, for an appeal from the decision of Judge Cole, overruling demurrers to the indictments against him, was denied to-day by the District Court of

NOT RECONCILED.

W. K. Vanderbilt and His Wife Have

Not Yet Patched Their Quarrel.

NEW YORK, Dec. 14.-In spite of reports

to the contrary there has been as yet no

reconciliation between W. K. Vanderbilt

and his wife nor is there any likelihood of

one in the immediate future. Chauncey

M. Depew, counsel for Mr. Vanderbilt, and

Col. William Jay, counsel for Mrs. Vander-

bilt, both make this statement. Mr. Depew

last night repeated that his connection

forbade his making a statement, but added:

"You may state positively that there has been no reconciliation between Mr. and Mrs. Vanderbilt. Mr. Vanderbilt, on his ar-

rival in the city last night, went directly

Col. William Jay says that if there had

been any reconciliation he knew nothing

FATE OF AN ALLEGED THIEF.

Shot by a Woman and Suspended

from a Fourth-Story Window.

CHICAGO, Dec. 14.-The body of Charles

Miller, hanging head downward from a

fourth-story window, at No. 2115 State

street, blood dripping from a wound over

the heart, collected a crowd shortly before

noon to-day which blockaded State-street

traffic for half an hour. Miller had been

shot by Maggie Tiller, who claimed that he

had robbed her and that she did the shoot-ing in self defense. In attempting to jump

from the window after he was wounded Miller's foot caught and he hung until the police arrived. He died soon after help

whatever about it.

Special to the Indianapolis Journal,

amining surgeon at Evansville.

Special to the Indianapolis Journal.

Christians in Armenia, but in doing so

## MONARCH GROCERY CO

(INCORPORATED.)

84 East Washington St. TELEPHONE 1453.

This is the season when we are all looking for good things to eat. When these good things can be had at low prices what a nice combination it makes. The Monarch is the only place where fine goods and low prices are

New Shelled Almonds, per lb.... 25c New Mixed Nuts, per lb..... 10c 

fruits cheap. Monarch whole Strawberry Pre-Extracted waite clover Honey, Put up in Mason jars, each...... 25c
New York old-fashioned Buck-

bottle..... Queen Olives, per quart...
Fancy Sweet Pickles, per quart...
15-pound pail Jelly...
California Apricots, per 3-lb. can
California Egg Plums, 3-lb. can...
California Cherries, 3-lb. can...
Yellow Table Peaches, 3-lb. can. Pie Peaches, 3-lb. can..... Good Sweet Corp, 2-lb. can..... 5c Finest Sweet Corp, 2-lb. can..... 10c Early June Peas, good, 2-1b. can. Marrowfat Peas, fancy, 2-lb. can 10c Solid packed Tomatoes, 3-lb. can. 10c Three cans for 25c.

SUBSTANTIALS Our own dressed Poultry. You get just what yo

Chickens, per lb ..... 100 Turkeys, per lb...... Ducks, per lb..... Fresh Eggs, per dozen..... Elegant Teas.... Only a few days more to guess the Turkey's weight and get \$15 in gold. This is your chance. Den't miss it or you will miss it.

### MONARCH GROCERY COMPANY

Home Seekers' and Harvest Excursion TUESDAY, Dec. 18. One Fare for the Round Trip

To principal points in North Carolina, and Virginia. Through cars via Cincinnati, C. & O. Railway, Lynchburg and the Richmond & Danville will leave Indianapolis via the Big Four Route at 3 p. m.

For tickets and full information call on
Ellwood Wilson and Big Four ticket agents.

Also Home Seekers' Excursion to the West, Southwest and Northwest. DECEMBER 18.

On the above date the Big Four will sell excursion tickets at one lowest first-class rate, plus \$2, to principal points in Arkau-sas, Colorado, Indian Territory, Kansas, Louisiana, Missouri, Montana, Nebraska, New Mexico, Oklahoma, South Dakota and For tickets and full information, call at Big Four offices, No. 1 East Washington street, 36 Jackson place, Massachusetts avenue and Union Station. H. M. BRONSON, A. G. P. A.

Home Seekers' Excursion Via Cincinnati, Hamilton & Dayton Railroad, Tuesday, December 18, 1894. ONE FARE FOR THE ROUND TRIP To points in Virginia and North Carolina. For further information call at ticket of No. 2 West Washington street, old Hive" corner, or Union Depot. L. D. BALDWIN, D. P. A.

### MONON ROUTE (Louisville, New Albany & Chicago Ry. Co.)

THE VESTIBULE PULLMAN CAR LINE No. 39—Chicago Limited, Pullman Vesti-buled Coaches, Parlor and Dining Cars,

No. 36— hicago Night Express, Pullman Vestibuled Coaches and Sleepers, daily .12:35 a. m. ARRIVE AT INDIANAPOLIS. For further information call at Union Ticket Office, corner Washington and Meridian streets, Union Station and Massachusetts avenue.

7 D. BALDWIN, D. P. A.

### Lump and Crushed Coke

FOR SALE

INDIANAPOLIS GAS COMPANY

TICKETS TO BE HAD AT

49 South Pennsylvania Street.

ROBT. MARTINDALE & CO. 84 E. Market Street.

FUNERAL DIRECTORS.

We have removed to new and commodious quarters. Perfect privacy and convenience assured.

Chapel and Morgue in charge of lady attendant. 172 North Illinois St.

ACME MILLING COMPANY, 852 West Washington Street,

### Fair; warmer. CHOICE!

Beginning this morning, the When offers any Man's Suit in the house, in Vicuna, Cassimere, Cheviot or Fancy Worsted, for

This includes all \$20, \$22, \$24, \$28 and \$30 Suits.

FOR \$12 any \$15, \$16, \$17 or \$18 Suit.

FOR \$10 any \$12, \$13 or \$14 Suit.

FOR \$7 any \$9, \$10 or \$11 Suit.

## MURPHY, HIBBEN & CO

93, 95, 97 and 99 South Meridian Street.

(Wholesale Exclusively.)

ODD LOTS:

Broken assortments of Ladies', Gent's, Misses' and Children's Wool and Worsted Hosiery. Incomplete lots of Ladies', Gents', Misses' and

Children's Jersey Rib and Flat Underwear. The SIZE may be just what you want to fill out your stock. The PRICE is much less than manufacturing cost.

## BOSTON RUBBER CO.'S

# "Bell Brand" Stub Proof Boots

IS THE BEST DUCK BOOT MADE.

# BIG 4 ROUTE McKee & Co.: Indianapolis

EXCLUSIVE AGENTS FOR INDIANA.

AN INTERESTING AND HEATED DEBATE IN THE HOUSE.

Speeches by Grosvenor and Sickles, Criticising the Administration, and a Tilt Between Pickler and Dunn.

CARLISLE'S BILL CRITICISED

SAID TO BE A COMPROMISE THAT DOES NOT SATISFY ANY ONE.

To Be Reported Without Amendment Five Millions in Gold Withdrawn -Cleveland Snubbed by the Porte.

WASHINGTON, Dec. 14.- The time of the House was consumed to-day with debate on the pension appropriation bill, and although it abounded in charges and counter charges, it lacked interesting detail. The bill carries \$141,381,570 and was passed without amendment. The Hitt resolution of inquiry, calling on the Secretary of State for the correspondence relating to the payment of \$425,000 to the bill in connection with the fur seal controversy was adopted. The evening session was devoted to consideration of private pension bills and the House adjourned until Monday.

There was no preliminary business today, and after the opening exercises the House went into committee of the whole on the pension appropriation bill. Mr. Grosvenor, of Ohio, took the floor and delivered a speech of an hour, in which he criticized the attitude of the Pension Office toward the pensioner and pension claimant. He viewed the policy of the office, detailing the evidence of alleged hostility towards the soldier and citing many instances of injustice. Mr. Morse and Mr. Lacey followed

in the same strain. Mr. Sickles expressed his disgust with the frequent recurrence in the President's message and in the report of the Secretary of the Interior and Commissioner of Pensions charges of fraud in the pension roll. For the last time probably before his retirement from Congress he said he desired to defend his old comrades from this slander. With almost a million names on the roll and \$150,000,000 disbursed in pensions annually, he declared that the fraud discovered was utterly insignificant and should be a subject of self-congratulation to every soldier in the land.

"I want to reply once for all to the charges from the other side." said Mr. Pickler, "that the pension roll is a roll of dishonor." "Who on this side has ever made such a statement?" asked Mr. Dunn.

"A great many."
"Who? "Name one," came in chorus from the Democratic side. "I refer you to the record," replied Mr. "I have no time to look through the recpersisted Mr. Dunn, "Name one. "I don't care to drag names in here," responded Mr. Pickler. "But what does the President of the United States say? He is always talking of purging the rolls of fraud. Do you want anything stronger than that?" Mr. Pickler went on to detail the result of the Pension Office purging which, he declared, had resulted in but "You would not deprive the government of the means to discovering even thirty-nine frauds, would you? asked Mr. Dunn,

"Certainly not" said Mr. Pickler.
"Then what are you talking about?" re torted Mr. Dunn, sarcastically. "The report of the Commissioner of Pensions and the message of the President show they are demagogues," returned Mr.

man as either." said Mr. Dunn. "Of course, neither I or any of us could approach the gentleman from New Jer ey," replied Mr. Pickler, ironically "Either in virtue or lofty statesmanship."
"I am glad you judge yourself rightly,"
said Mr. Dunn. This parting shot was
greeted with laughter and the colloquy general debate proceeded without incident Messrs. Baker of New

Hampshire, Enloe, Mahon, Hulick, Coombs, Bynum, Cannon of Illinois and Milliken participating, and was concluded by a brief speech from Mr. O'Neil, of Massachusetts in charge of the bill. He explained that \$139,000,000 had been expended for pensions during the last fiscal year and the Commissioner had estimated that the same sum would be expended during the present year. The Commissioner believed that the limit of pension expenditures had been reached, and that after wavering about the present figure for three years it would begin to decrease. The appropriation committee had been allowed every dollar the Commissioner deemed necessary. Speaking of the work of the special examiners sent into the field, Mr. O'Neil had read a letter from which the latter had said that between ? and 75 per cent, of claims specially examined were allowed. The bill was then taken up for amend ment under the five-minute rule. Mr Grouts's amendment, of which he gave notice yesterday, went down under a point o order. Mr. Lacey moved to reduce the appropriation for examining surgeons from \$800,000 to \$500,000—lost. The bill was then passed without division. Mr. Outhwaite reported the army appro-On motion of Mr. Creary, the Hitt resolution calling on the Secretary of State for all correspondence and reports relating to the payment of \$425,000 to Great Britain, growing out of the controversy over the Alaskan fur seals, was adopted.

A resolution authorizing Commander Den-nis Mullen, of the United States navy, to accept a medal from the Chilian government was adopted A motion to adjourn until Monday was carried, and then, at 4 p. m., the House took a recess until 8 o'clock, the evening session to be devoted to private pension CARLISLE'S CURRENCY BILL.

House Banking Committee will Re-

port It Without Amendment. WASHINGTON, Dec. 14.-The Democratic mittee held an executive meeting to-day

members of the banking and currency comimmediately after the adjournment of the regular hearing, and, after an hour's discussion, decided to report the Carlisle bill without amendment. The full committee will hold an executive session to-morrow night, and it is expected that a report will be ordered on the bill before the meeting

All Democratic members of the committee were present at the meeting to-day, and Secretary Carlisle also attended. There were a number of questions asked the Secretary regarding certain features of the bill by members who still had some misgivings about the advisability of passing such a measure. The Secretary was questioned mainly on the subject of the parliamentary proceedure with the bill after it gets be fore the House. The committee on rules has promised a rule covering everything that the banking and currency committee may require and giving the bill right of way over everything else. The rule governing the proceedure has not been prepared, but it will probably provide for consideration of the bill in committee of the whole and will allow a certain number of amendments to be offered and voted on, as well as a substitute, with possibly amendments to the substitute. The Democratic members did not find themselves agreeing with each other in regard to the bill. In fact, several of them remarked that it was a bill that did not satisfy any one, but a compremise measure, while all agreed that something must be done with the currency problem at once It is understood that Representative Bland has given up all hope of getting his freecoinage bill out of his committee, and has determined to offer his bill as an amendment to the Carlisle bill in the House. If it is declared not to be germane he will appeal from the decision, giving the House an opportunity to vote on the proposition. At the hearing to-day ex-Representative A. J. Warner, of Ohio, president of the Bimetallic league, addressed the committee. going into the principles of the entire currency question. He urged that an elastic currency, such as Secretary Carlisle sought was an impossibility as prices rose as fast as currency increased. Mr. Warner said the history of the world proved that the gold standard could not be maintained by giv-ing to the banks the right to expand the circulation. He was amazed that this propould be made in this enlightened age in the face of the financial experience Proch Platt, president of the Baltimere House, was next heard. He said with regard to the Baltimore plan that it embodied his views. Speaking of the fifth section of the Carlisle bill, providing for a guarantee fund, he said it would be safe

the strong banks could be gotten into

Among the letters and telegrams read by

the chairman was a telegram from John R. Walsh, president of the Chicago National Bank, saying it had been impossible for him to leave Chicago this week, but inviting attention to a letter to had written

which he considered doubtful.

Has Joliet a Suicide Club? JOLIET, Ill., Dec. 14.-Capt. James S. at his suburban home. He was chief engier, and ex-Sheriff Robert Huston

Historic Courthouse Burned.

FINDING OF JUDGE WOODS IN THE A. R. U. CONTEMPT CASES.

Guilty of Violating Two Injunctions Issued by the Federal Court.

ALL SENTENCED TO PRISON

EUGENE V. DEBS GIVEN SIX MONTHS IN THE COOK COUNTY JAIL.

to Controller Eckels. The letter to Mr. Eckels was also read. In this Mr. Walsh states his objections to the Baltimore planthe first of which was that it does not provide adequate security for the notes; second, because it throws on the treasury of the United States the burden of redeeming notes of failed banks, and third, because the people would never accept the notes of any bank not properly secured. He adds that the Baltimore plan is nothing but a revival of the old New York State safety fund plan, a system which was abandoned long before the organization of any national banks. In his opinion the proper way to deal with the carrency is for the government to issue an irredeemable 2½ per cent. bond, which could be made the basis of circulation for national banks up to the amount of the capital.

A long discussion arose between General Warner and Mr. Sperry ever a question by the latter as to the effect that an increase of the circulation would have on the price of labor. Mr. Sperry ever a question to a statement by the Treasury Department showing that the circulation in 1873 had been \$771,000,000, whereas in 1893 it was over \$2.200,000,000, and asked him how he reconciled these facts with the decrease in wages. Mr. Warner replied by challenging the treasury's estimate of the gold in circulation at the present time, which he said was \$200,000,000 beyond the facts and by referring to the increase of population and wealth. Mr. Sperry did not consider the reply as adequate and intimated that if Mr. Warner's theory had nothing more to stand on it must fall. Howard, Keliher, Rogers, Burns, El liott, Hogan and Goodwin Let Off with Three Months Each.

ELABORATE DECISION Gold Reserve Further Depleted by the

> EVERY POINT CONSIDERED AND A HOST OF AUTHORITIES CITED.

> Relating to Restraint of Commerce and What Constitutes Conspiracy -The Question of Fact.

mand for gold during the last week was to meet dividend and other payments fall-ing due on Jan. 1 of each year. During the first two weeks in each December sterling exchange always advanced and very often CHICAGO, Dec. 14.-Judge William A Woods, of the United States Court, to-day to the shipping point, as is the case at present. After this week Mr. Curtis thought the exportations of gold would rendered a decision finding the officers and directors of the American Railway Union naterially decrease if it did not cease alguilty of contempt in refusing to obey the together. Of course, it was a matter of injunction issued by the court and for inregret that our monetary system was such terfering with the management of the as to permit these heavy withdrawals against our will, and until Congress took the matter in hand nothing could be done Atchison railway, a concern in the hands of receivers appointed by the federal auexcept to hand out the gold whenever dethorities. The defendants, with their official positions in the union, were President Debs, Vice President Howard, Secretary Keliher, Treasurer Rogers and Directors Consul Jewett Will Not Investigate Burns, Elliott, McVean, Hogan and Goodwin. Debs was sentenced to six months WASHINGTON, Dec. 14.-The United in the county jail. The others were given States will take no part in the investigation of the Armenian outrages. Finding

three months each, except McVean, whose sentence was suspended. The cramped court room was crowded when Judge Woods entered and took his seat on the beach. President Debs and other defendar ere present, and, in various attitudes of anxious interest, listened to the reading of the decision. With Judge Woods Judge Jenkins occupied the bench, and many prominent attorneys were present to hear the outcome of the proceedings against the leaders of the great railway strike of last summer. Judge Woods's decision, which is lengthy, was read with great deliberation. It is given in full. After announcing that the defendants were found guilty, as charged, the Judge said it was not in accordance with procedure in such cases to permit the defendants to say why sentence should not be passed, but in this case the court would allow it. Attorney Darrow, representing the de fendants, asked that his clients might retire for a consultation regarding what they should say, and after a brief recess the strike leaders filed back into court,

ranging themselves before the bench. Attorney Darrow, speaking for them, said that they had no wish to make separate speeches, but felt that they had done no wrong. The attorney advised the court that Director McVean, one of the defendants, was out of the city during the strike. A lengthy argument between attorneys followed over the proposition to discriminate in McVean's case, which the court terminated by suspending sentence on McVean. In sentencing the other defendants Judge Woods said: "Punishment should be neither vindicative nor trivial. These men were in willful contempt, under what legal advice I should like very much to know. These men were the leaders, in a great measure, of lawbreakers and are responsible as leaders. Ignorant men who followed them have been punished. Mr. Debs is more responsible than any other. He is a man of marked ability and power over men. I feel constrained to discriminate between him and the others. The punishment against all defendants except Debs

is three months in jail, and against Debs The defendants did not appear particularly crushed by the punishment. Debs bowed his tall gaunt form and whispered a they both laughed heartily. Howard and Hogan exchanged smiling glances and Keliher grasped his attorney's hand and appeared to offer congratulations. It was evident that all had expected much more severe sentences and all wore a look of relief. Debs drew his people together and instructed them to say nothing for publication, setting them an example by refusing to discuss the case at all. After the murmur of excitement over the sentence had subsided, the court announced that the punishment was not to take effect for ten days, in which time the defendants will prepare an appeal. The prospective prisoners, after consultation with their atto his mother's house, where he will remain until he goes back to Europe."

"When does he expect to go?"

"That I cannot say, as I know nothing about his future plans, except the fact that he is going back." torneys, left the courtroom.

JUDGE WOODS'S DECISION.

A Review of Rulings in Regard to the Obstruction of Highways. If the case presented were itself of less moment, the very great importance of some of the questions involved could not be overlooked. To the study of them I have devoted more time than could well be spared from other duties. It is due to counsel to say that the labor of the court, protracted and painstaking as it has been, has been greatly relived by the contributions of earning, research and argumentation which they have brought to the discussion. While the principles considered are not new, in the question of the validity of the injunction, which the defendants are charged with violating, there are involved inquiries which in some respects go beyond the lines of established or unquestioned precedent.

A preliminary question in the case was whether or not upon the filing of their answers the defendants were entitled to be discharged without an inquiry into the facts. The authorities seem to be agreed and, accordingly, the court ruled, District Judge Grosscup participating in the decision, that in a proceeding for contempt in equity a sworn answer, however ful and unequivocal, it not conclusive. (King vs. Vaughan, 2 Douglas, 516; Underwood' Case, 2 Humph. Tenn., 48, 49; Rutherford vs. Metcalf, 5 Haywood, Tenn., 58, 61, Magennis vs. Parkhurst, 3 Green, N. J. 434; State vs. Harper's Ferry B. Co., 16 W. Va., 864, 873; Crook vs. People, 16 Ill., 534, 537; Buck vs. Buck, 60 Ill., 105, 106; Welch vs. People, 30 Ill., App. 399, 409; Yates Case, Kent Ch. J., 4 Johns, 317, 373; McCredie vs. Senior, 4 Paige Ch., 378, 381-2 and 332; Albany City Bk. vs. Schemerhorn, 9 Paige Ch. 372, 375; U. S. V. Anonymous, 21 Fed. Rep., 761, 765, 768.)

The objection raised by the demurrer that the injunction was illegal and void, was overruled at the time of presentation, but with leave for further argument at the final hearing upon the evidence. A great body of evidence, consisting of the testimony of witnesses, telegrams and other documents, had been adduced to show the guilt of the accused. The defendants, claiming the constitutional privilege against self-incrimination, refused to testify at the instance of the prosecution, and have of-fered no evidence in their own behalf, ex-

## cepting parts of certain documents which were allowed to be read in connection with other parts offered by the prosecution.

CLAIM OF DEFENDANTS. Besides denying that any violation of the injunction had been proved against them, the defendants now reassert and insist that the injunction is invalid on the two grounds -that the court had no jurisdiction to hear and determine the case in which the injunction was ordered, and, that though possessed of such jurisdiction, the court lacked organic power to make the particular order in question. Reference is made to Ex. Parte Fish, 113 U. S., 713, 718,

719; In Re Sawyer, 124 U. S., 200, 220-222; Ex Parte Terre, 128 U. S., 289; Windsor vs. McVeigh, 93 U. S., 274, 282-3; Kerfoot vs. People, 51 Ill. App. Ct., 408.

If the injunction was for any reason, totaly invalid, no violation or disregard of it could constitute a punishable contempt but if the court required jurisdiction and did not exceed its powers in the particular case, no irregularity or error in the pro-cedure or in the order itself could justify disobedience of the writ. (Elliott vs. Pier-soll, pet. 340; ex parte Tobias Watkins, 3 pet., 193; In Re Coz 127, U. S. 731.) The con-siderations of public policy on which this rule rests are too plain and well understood

to heed restatement.

Was the case one of which the court had jurisdiction? No question is made, or could be made in a proceeding for contempt, of the sufficiency of the petition for the injunction in respect to matters of form and averment merely. In Coy's case, the

and averment merely. In Coy's case, the court said:

"In all such cases, when the question of jurisdiction is raised, the point to be decided is, whether the court has jurisdiction of that class of offenses. If the statute has invested the court which tried the prisoner with jurisdiction to punish a well defined class of offenses, as forgery of its bonds or perjury in its courts, its judgment as to what acts were necessary under these statutes to constitute the crime is not re-

as to what acts were necessary under these statutes to constitute the crime is not reviewable on a writ of habeas corpus."

The question here, therefore, is whether the case presented by the petition was of a class which in a federal Circuit Court admits of the remedy by injunction.

Without going into the details of averment the charge made against the defendants was that they were engaed in a conspiracy to hinder and interrupt interstate commerce and the carriage of the mails upon the railroads centering in Chicago by means and in a manner to constitute, within the recognized definitions, a public ithin the recognized definition

A nuisance is "Anything that unlawfully worketh hurt, inconvenience or damage.
(3 Blackstone's Commentaries, 216.) "A public nulsance is such an inconvenence or troublesome offense as annoys the whole community in general, and not merely some particular person." (4 Blackstone's Commentaries, 166.)
As defined in Wood on Nuisances, p. 38,
"A public nuisance is a violation of a pub-

right, either by a direct encroachment upon public rights or property, or by doing some act which tends to a common injury, or by omitting to do some act which the common good requires, and which it is the duty of a person to do, and the omission to do which results injuriously to the pub-PURPRESTURE.

A form of public nuisance of which cogniance has been taken by the courts of equity in England and in this country is called purpresture, which is defined to be an encroachment upon lands or rights and easements incident thereto belonging to the public, and to which the public have a right of access or of enjoyment, and enroachment upon navigable streams." "The remedy for a purpresture, simply, is

by information in equity at the suit of the Attorney-general or other proper officer." (Wood on Nuisances, p. 107, 117; People vs. Vanderbilt, 28 N. Y., 396; New Orleans vs. U. S. 10 Pet. (U. S.) 662; Atorney-general vs. Forbes, 2 My. & C. 123.)

In Kerr on Injunctions, p. 295, it is said: "There is a wide difference petween a pur-presture and a nuisance. Although they may co-exist, either may exist without the other. If the act complained of be a purresture it may be restrained at the suit of the Atorney-general, whether it of a nuisance or not. Being an encroa hanent on the soil of the sovereign, like trapass on the soil of an individual will support an action irrespective of any Jamage which may accrue. But to constitute a putlic nuisance damage to the public right of nav-igation or other public right must be shown to exist. If the act complained of be a mere purpresture without being at the same time

a nuisance, the court will usually direct an inquiry to be made whether it will be more beneficial to the Crown to abate the purpresture or to suffer the erection to remain and be arrested. But if the pu pres-ture be also a public nuisance, this carnot be done, for the Crown cannot sanction a Accordingly it is contended, and nume ous ases and text writers are cited to show, "equity has jurisdiction to restrain

public nuisances upon bill or info matten filed by the Attorney-general, on behalf of the people." (High on Injunctions, Sec. 1570, 745, 759, 764; Pomeroy's Eq. Jur., Sec. Jur. Secs. 921-924; 1 Daniel's Ch. Pra. 7, 8; Mitford's Eq. Pl. 104, 117, 196; Attorney general vs. Forbes, 2 M. & C. 123; A torreygeneral vs. Terry, L. R. 9 Ch. 423; Attorney-general vs. Birmingham, 4 K. & J. 528; People vs. Miner, 2 Lans. 393; People ::. Railroad Co. 68 N. Y. 71; Davis vs. Mayor, 14 id. 526; People vs. Vanderoilt, 28 N. Y. 396; 26 id. 287; Attorney-general vs. Hunter, Dev. Eq. 12). OTHER QUESTIONS INVOLVED. I quote passages, some of which besides bearing upon the principal question of ju-

risdiction, will be found to be determinative of other questions which have cor discussion. Story says: "Sec 921. In regard to public nuisances, the jurisdiction of courts of equity seems to be of a verancient date. \* \* \* The jurisdiction is applicable not only to public nuisances, strictly so-called, but also to purprestures upen public rights and property. . . In its common acceptation (purpresture) it is now inderstod to mean an egeroa himent tren the King, either upon part of his demesne lands, or upon rights and easements and by the Crown of the public, such as open highways, public rivers, forts, streets, etc. and other public accommoda as." (City of New Orleans vs. United States, 10 Peters, 662; Mohawk Bridge Co. vs. Utica & Schenectady R. R. Co. 6 Paige p. 554; Attorney-general vs. Bohoes Company, 6 Paige 133. "Sec. 923. In cases of public nuisances, properly so called, an indictment lies to abate them, and to punish the offenders. But an information also lies in equity to redress the grievance by way of injunction. The instances of the interposition of the court, however, are (it is said) rare, and principally confined to informations seeking preventive relief. Thus, informations in equity have been maintained against a public nuisance by stopping a highway. "Sec. 924. The ground of this jurisdiction of courts of equity in cases of purpresture, as well as of public nuisances, undoubtedly is, their ability to give a

more complete and perfect remedy than is attainable at law, in order to prevent ir-reparable mischief, and also to suppress ppressive and vexatious litigations. the first place, they can interpose, where the courts of law cannot, to restrain and prevent such nuisances which are threatened, or are in progress, as well as to place, by a perpetual injunction, the remedy is made complete through all future time." So Pomeroy, in Sec. 1349, says: "A court of equity has jurisdiction to restrain existing or threatened public nuisances by in-junction at the suit of the Attorney-general n England and at the suit of the State or the people, or municipality, or some proper officer representing the commonwealth in this country." (Attorney-general va. Eau Claire, 37 Wis. 400; State vs. Eau Claire, 40 Wis., 533; Rochester vs. Erickson, 46 Sarb. 2: Pennsylvania vs. Wheeling, etc., Bridge Company, 13 How., U. S., 518.)
Wood, Vol. 1, page 124, says: "While, at the close of the revolution, the people of acquired the absolute right to all navigable waters and the soil under them, yet where the State has permitted a use of navigable waters connecting two States that interferes with navigation, the general government, under the power given it by the Constitution to regulate commerce between the States, may exercise jurisdiction over the waters and procure an abatement of such obstructions." (Columbus Ins. Co. vs. Curtenius, 6 McL., U. S., 237.)

COURSE USUALLY PURSUED. High says in Sec. 1554: "When the right involved is purely of a public nature and the grievance which it is sought to enjoin is one which affects the public at large, the proceeding is usually instituted both in England and in this country by the Attorney-general in behalf of the people, sometimes proceeding in his own name or that of the people absolutely, and sometimes upon the relation of a cit zen. And in actions to enjoin the erection or con-(Continued on Fourth Page.)

SAYS HE PAID \$15,000 TO SECURE HIS POLICE CAPTAINCY.

Most Sensational Evidence Yet Given in the Lexow Committee Investigation of Tammany Corruption.

### HIGH OFFICIALS IMPLICATED

THE BIG BRIBE PAID TO EX-ASSEM-BLYMAN JOHN J. MARTIN,

With the Understanding that It Was to Be Turned Over to Commissioner Voorhis, Now a Police Justice.

CREEDEN AT ONCE "FIRED"

SUSPENDED FROM THE POLICE FORCE FOR TELLING THE TRUTH.

Commissioners and Mr. Byrnes Summoned by Mr. Goff and Asked to Explain-Boss Croker Laughs.

NEW YORK, Dec. 14.-Police Captain Creeden confessed before the Lexow committee to-day that he had paid \$15,000 to secure his captaincy. A few hours later board of police commissioners on recommendation of Superintendent Byrnes, who was instructed to prepare charges against him. The Lexow committee had agreed that Creeden should be granted immunity from punishment for his purchase of a captaincy, and when the action of the police commissioners became known they, as well as Superintendent Byrnes, were subpoenaed to appear this afternoon before the investigating body.

Captain Creeden's confession was the biggest sensation yet brought forth by the Lexow committee. In itself the captain's statement was merely a confirmation of testimony elicited before the Senators yesterday, but the startling facts, essentially interwoven with this sensational exposure, puts the taint of dishonor and corruption upon men who have held some of the most responsible offices in the gift of the community. But public censure is not heaped on Creeden's head. He had served in the local police department for thirty years with honor and distinction. He is a warscarred veteran whose record shows that in twenty-three engagements of the civil war he risked his life for his country. The captain's fault is forgotten by the popular mind in sympathy for his present trying position and respect for his past record. The day was replete with exciting and dramatic incidents in consequence of the Lexow committee proceedings throughout the official channels that bear relation to the public departments involved in the in-

Commissioner Sheehan, when told of Creeden's statement, asked: "Who got the money?" When told that the point had not yet been fully developed, he said: "That's what they want to find out. If they keep up their investigation long enough I guess

The scenes in and around the meeting room of the committee in the old Tweed courthouse were intensely dramatic and sensational. Men were moved by passions and emotions they had never felt before. The court room was filled with representative citizens who were desirous of hearing the testimony. Captain Creeden had said on the witness stand that he had paid no money for his captaincy. But to-day, after Captain Schmittberger, who is under indictment, refused the advice of his counsel to answer questions, Creeden was allowed an opportunity to tell the truth, and he told it. He had been reared in that part of Ireland where the roll of an informer was deemed the most despicable of human characters; he had preferred to sacrifice himself rather than to implicate those who he said were his friends, but he had thought the matter over during the night and decided to tell all he knew.

CREEDEN'S TESTIMONY. The witness spoke slowly, with downcast res. He was moved by connicu tions, and the sympathies of his auditors went out to the white-haired veteran. In a straightforward, though shamefaced, manner, he told how he had risen from the position of patrolman to a sergeantcy; how at last a captaincy was offered him-for money. The expense of educating his eight children had been very heavy, and he wanted the position of captain, with its increased emoluments. But he had submitted the matter to his friends. They raised the money. The amount necessary to secure the appointment was \$15,000, because Sergeant Wiegand had offered \$12,-00f. His friends, Barney Rourke and John W. Rappenhagen, secure the money, ostensloly on his notes. He had paid the money to ex-Assemblyman John J. Martin. It was his understanding that the funds went to Police Commissioner Voorhis, now police The Captain started off by telling how he had passed a civil-service examination.

It was in December, 1891, that he heard who was to be appointed as captains. A to one of the commissioners who had one of the appointments. "I did not do anything more just then," went on the Captain. " was at the desk one night when this friend eame in. He spoke to me again about the matter. He said that Rappenhagen was the County Democracy leader in the district and that I ought to see him. Rappenhagen came around to see me about it and he told subsequently that the place could be had for \$12,000. I told him it was consider-"You are a poor man?" interrupted Mr.

"I was, sir. But I told him I would see my friends. I saw a number of my friends and told them that whatever they agree to I would stand by. Rappenhagen told me that another man had \$12,000 up and if I wanted the place I must put up \$3,000 "Who was the other man?" asked Mr.

"Must I say?" pleaded Captain Creeden. "You must," said Mr. Goff, quietly. Well, sir, it was Sergeant Wiegand." Fourteenth precinct. The money was raised by Captain Creeden on his personal notes, guaranteed by a life insurance policy.

GOT HIS APPOINTMENT. "Snell and John J. Martin," Creeden said, "came to the station house one day together and asked if I knew that any money had been raised for me. I took him 'no,' and the two men returned to headquarters. About five minutes after they arrived they wired me to go over. I did so and found that I had been appointed and assigned to the First precinct."
"The \$15,000, I believe, was in Mr. Snell's

'And you were disappointed when you were assigned to the Old Slip station?" "Well, somewhat. The money, by the way, was withheld for a couple of days until finally I said, 'let it go; I will stand the difference.' The money was paid over Witness went on to say that he made applications for promotion on several occapercentage scale, had been pror

"At either of these examinations men

# Stole the Bank's Funds.

NASHUA, N. H., Dec. 14.-The rumored defalcation of Frank A. McKean, cashier of the Indian Head National Bank here, was confirmed to-day by the bank officials. The full amount of the embezzlement is not yet known. It is thought, however, that the amount will exceed \$25,000. McKean was twice elected Mayor of the city, was the Democratic candidate for Governor in 1878 and was city treasurer for many years. He succeeded his father as cashier at the Indian Head bank.

Miller killed himself by shooting to-day, neer at Joliet penitentiary twenty-two years, retiring with a change of administration. This makes three officials who have committed suicide in a few weeks. The other two were Gaulls Miller, chief bookkeep-

LEWISTON, Ill., Dec. H.-Lewiston's historic courthouse burned to-day. A defective five was the cause. Lincoln delivered his famous speech in it in 1858. It was built in 1839. Most of the records were saved. Court was in session at the time